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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,072	02/16/2001	Moshe Benyami	70207	3067

22242 7590 09/30/2003

FITCH EVEN TABIN AND FLANNERY
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CHICAGO, IL 60603-3406

EXAMINER

CHAMBERS, TROY

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,072

Applicant(s)

BENYAMI ET AL.

Examiner

Troy Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-9,12,13 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,7-9,12,17,18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 13,19 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 18 recites "silicon carbide". However, the original specification discloses a carrying board comprising "silicone carbide" (pg. 4, ln. 11).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 8, 9, 12, 13, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 91/07632 issued to Lem. Lem discloses a ballistic armor panel comprising a carrying board 14, 16 having a honeycomb form (pg. 6, ll. 4-13) and made of a hard material (pg. 9, ln. 17 to pg. 10, ln. 17) with a plurality of through-going

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polygonal apertures, each aperture receiving a ceramic body 20 (pg. 4, ln. 26 to pg. 5, ln. 36). A peripheral portion is defined by the periphery of the 14 of the panel. A receiving portion is defined by the ceramic retaining means 16. An adhesive fixes the bodies 20 to the carrying board 14, 16 (pg. 11, ll. 5-10). The top of the bodies are flush with the top of the carrying board 14, 16 and thus do not exceed the thickness (in height) of the carrying board 14, 16. The ballistic armor panel includes a layer of resilient material 18, 32 between an object and the carrying board 14, 16.

1. Claims 1, 7, 9, 20, 21, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by EPO 0151011 issued to Skelton.
2. With respect to claim 1, Skelton discloses a ballistic armor panel comprising a steel carrying board having a peripheral portion (solid portion) and a receiving portion defined by a plurality of through-going apertures, and a carbide pin received in each aperture.
3. With respect to claim 7, refer to Fig. 2.
4. With respect to claim 9, refer to Fig. 2.
5. With respect to claim 20, Skelton discloses an armor panel as described above including apertures having annular rims being flush with a face of the carrying board. A rim is interpreted as the outer circular or curved edge or border of something. The apertures necessarily have a rim coincident or flush with a face of the carrying board.
6. With respect to claims 21 and 22, Skelton discloses an armor panel as described above including bores for attaching to the object. The bores of Skelton are capable of being used as a means of attachment if a pin is not received therein.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skelton in view of U.S. 3634177 issued to Glaser. Skelton discloses an armor panel as described above. However, Skelton does not disclose a carrying board comprising silicon carbide. Glaser discloses a lightweight penetration-resistant panel comprising silicon carbide (col. 2, ll. 10-11). At the time of the invention, one of ordinary skill in the art would have found it obvious to make the carrying panel of Skelton using silicon carbide as disclosed by Glaser. The suggestion/motivation for doing so would have been to make the board transparent.

Allowable Subject Matter

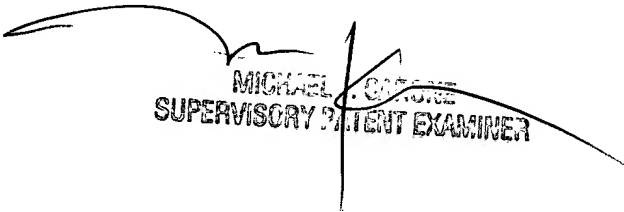
2. Claims 13, 19 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. However, applicant should note that U.S. Patent No. 5014593 issued to Auyer may be applicable if applicant amends to remove the honeycomb limitation and does not amend to positively set out "a body having a corresponding polygonal shape".

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Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195.


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER